HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.547 of 2007

Between:

Sri Mummadi Sidda Shivalinga Prasad
Shambudevara Swamy

... Appellant

And

Government of Andhra Pradesh,
Endowments Department,
Rep., by its Commissioner,
Tilak Road, Hyderabad and another

... Respondents

::JUDGMENT::

Counsel for the appellant : Smt. K. Udaya Sri

July 2, 2007

Per G.S. Singhvi, CJ

Having failed to persuade the learned Single Judge to entertain his prayer for issue of an interim mandatory order for being allowed to work as Mathadhipathi of Sambhudevara Mutt, Chebrole Village and Mandal, Guntur District, the appellant has preferred this appeal.

We have heard Smt. Udaya Sri, learned counsel for the appellant and perused the record.

In our opinion, the appeal is liable to be dismissed summarily because;

(i) the person who has already been appointed as Mathadhipathi of the said Mutt is not a party to the writ petition and this appeal and without hearing him, the order of his appointment cannot

be nullified and that too by an interlocutory order and,

(ii) the relief claimed by the appellant in WPMP No.19739 of 2006 is substantially similar to the one claimed in the main petition and there is no justification for passing an order which would amount to partial final adjudication of the writ petition.

In the result, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No.1058 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

July 2, 2007

C.V. NAGARJUNA REDDY, J

ks